



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, NOVEMBER 10, 2004

10:00 a.m.
City Council Chambers
Room 205
City Hall

801 North First Street
San Jose, California

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Plan Implementation Division
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **November 10, 2004**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Joe Babiasz (joe.babiasz@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [TR04-105. Tree Removal Permit](#) to remove one Box Elm of 97 inches in diameter on a 0.12 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 562 Fisk Avenue (Kakuk Lila, Owner). Council District 6. SNI: None. CEQA: Exempt.
- b. [TR04-113. Tree Removal Permit](#) request to remove one Almond tree, 63 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1786 El Codo Way (Francini Michael O And Milner Alys A Truste, Owner). Council District 9. CEQA: Exempt.
- c. [TR03-118. Tree Removal Permit](#) to authorize removal of one Monterey Pine tree (110 inches in circumference) previously removed without benefit of permit on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 636 South Baywood Avenue. (Wong Anan, Owner). Council District 6. CEQA: Exempt.

- d. [**TR04-104. Tree Removal Permit**](#) to remove one Pine tree 82 inches in circumference on a 0.10 gross acre site in the R-M Multiple Residence Zoning District, located at the west of South 9th Street, 210 feet south of East Reed Street (637 S 9TH ST) (Kambeitz Michael A, Owner). Council District 3. CEQA: Exempt.
- e. [**TR04-107. Tree Removal Permit**](#) to remove one Pine tree 96 inches in circumference on a 0.26 acre parcel. in the R-1-5 Single-Family Residence Zoning District, located at the southwest corner of Trinidad Drive and Glenview Drive (6759 GLENVIEW DR) (Garza Ruben D And Margaret A, Owner). Council District 10. CEQA: Exempt.
- f. [**PDA 70-001-01. Tree Removal Permit**](#) to remove one Sycamore tree approximately 70 inches in circumference on a 0.11 gross acre site in the R-1-8 (PD) Planned Development Zoning District, located at 6860 Avenida Rotella (Taylor Corinne, Owner). Council District 2. CEQA: Exempt.
- g. [**TR04-112. Tree Removal Permit**](#) request to remove one Paulonia tree, 66 inches in circumference on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 829 Clarkston Drive (Thompson Richard C And Kathleen D Trustee, Owner). Council District 9. CEQA: Exempt.
- h. [**TR04-103. Tree Removal Permit**](#) request to remove two (2) Pine trees, 92 & 94 inches in circumference on a .2 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5477 Tesoro Court (Mooney Kevin P Sr And Eleanor K, Owner). Council District 9. CEQA: Exempt.
- i. [**TR04-097. Tree Removal Permit**](#) to remove one Eucalyptus tree 110 inches in circumference on a 1.44 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the northwest corner of Cunningham Avenue and Cunningham Court (9527 TRACT) (Pham Bao D, Owner). Council District 8. CEQA: Exempt.
- j. [**TR04-083. Tree Removal Permit**](#) to allow the removal of one Ironbark Eucalyptus approximately 94 inches in circumference on a 0.14 gross acre site in the R-1-8 (PD) Planned Development Zoning District, located at 170 Iris Blossom Court (170 IRIS BLOSSOM CT) (Ranallo John F, Owner). Council District 2. CEQA: Exempt.
- k. [**SP04-052. Special Use Permit**](#) to allow for warehouse and distribution uses in a 5,524 square-foot portion of an existing 22,094 square foot industrial building on a 1.27 gross acre site in the IP Industrial Park Zoning District, located on the west side of Ringwood Avenue approximately 800 feet southerly of Trade Zone Boulevard (2299 Ringwood Avenue) (San Jose Executive Center, Owner). Council District 4. SNI: None. CEQA: Exempt.

- l. [PT04-085. Tentative Map Permit](#) for a one lot condominium map for a 193 unit single-family residential project on a 4.3 gross acre site in the A(PD) Planned Development Zoning District, located at the west side of Winchester Boulevard, approximately 150 feet northerly of Neal Avenue (801 South Winchester Boulevard) (801 Associates LLC, Owner). Council District 1. SNI: Winchester. CEQA: Addendum to Negative Declaration PDC04-044.
- m. [PD04-036. Planned Development Permit](#) to allow exterior modifications to an existing gas station (SHELL) on a 0.7 gross acre site in the A(PD) Planned Development Zoning District, located at the northwest corner of Saratoga Avenue and Doyle Road (1199 SARATOGA AV) (Inman Jeannette Trustee, Owner). Council District 1. SNI: None. CEQA: Re-use of Negative Declaration.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. [PDA04-029-01. Planned Development Permit Amendment](#) to allow construction of a temporary sanitary sewer lift station and force mains on a 0.06 gross acre site in the A(PD) Planned Development Zoning District, located at/on the north side of Hillsdale Avenue, opposite the terminus of Vista Park Drive (Tract 9354) (KB Home South Bay, Inc, Owner/Developer). Council District 7. SNI: None. CEQA: EIR Resolution No. 70194, File No. PDC99-083.
- b. [SP04-049. Special Use Permit](#) to construct 945 square foot accessory structure for garage and workshop uses on a 0.24 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the east side of Broadway Avenue, 500 feet southerly of Coe Avenue (1032 BROADWAY AV) (Burch Stephen E And Rosemary P, Owner). Council District 6. SNI: None. CEQA: Exempt.
- c. [HA99-078-01. Site Development Permit Amendment](#) to adjust the building footprint and to reconfigure the driveway and vehicular circulation for a previously approved 2,942 sq.ft. commercial building on a 0.33 gross acre site in the CN Neighborhood Commercial Zoning District, located at the northwest corner of E. Julian Street and N. 26th Street (1239 E JULIAN ST) (Su Alice Et Al, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
- d. [PD04-066. Planned Development Permit](#) to allow up to 1,050 square feet of ground floor space in an existing building to be used for commercial uses on a 1.77 gross acre site in the A(PD) Planned Development Zoning District, located at the south side of West Julian between Market Street and North First Street (46 W JULIAN ST) (San Jose Mission Villas Llc, Owner; Chet Hoseley/Goldrich & Kest, Developer). Council District 3. SNI: None. CEQA: Use of Downtown Strategy EIR (Resolution No. 68839).

- e. [**PD04-048. Planned Development Permit**](#) to construct 68 single-family attached residences on a 3.0 gross acre site in the A(PD) Planned Development Zoning District, located on the northside of Hillsdale Avenue opposite of Vista Park Drive. (KB Home Tuscan Hills- blocks 2 & 6) (Tract 9352) (KB Home South Bay, Inc Owner/Developer). Council District 7. SNI: None. CEQA: EIR Resolution No. 70194, File No. PDC99-083.
- f. [**PT04-072. Planned Tentative Condominium Map**](#) to merge two lots into 1 lot for 242 residential condominium units on a 3.18 gross acre site in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Lick Avenue and West Alma Avenue (1303 LICK AV) (Snyder Medford L And Sherri M Et Al, Owner; Barry Swenson Builder Marianne Bacigalupi, Developer). Council District 3. SNI: Washington. CEQA: Negative Declaration (File No. PDC02-072).
- g. [**TR04-084. Tree Removal Permit**](#) to remove five Deodor Cedar 78 - 102 inches in circumference, one redwood 150 inches in circumference and one Magnolia 74 inches in circumference on a 0.51 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 1588 Cottle Avenue (Knickerbocker Jason, Owner). Council District 6. CEQA: Exempt. Continued from 10/27/04.
- h. [**PDA92-035-01. Planned Development Permit Amendment**](#) for tree removal of one Monterey Pine and two Eucalyptus trees (approximately 60 inches in circumference) previously removed without the benefit of permits and three existing Eucalyptus trees (60 inches in circumference) at the Garden Alameda office complex in the A(PD) Planned Development Zoning District, located on the southeast corner of State Route 82 and Schiele Street (1550 THE ALAMEDA) (Cirrus Investments LP, Owner). Council District 6. CEQA: Exempt. Continued from 10/20/04 and 10/27/04.
- i. [**H04-034. Site Development Permit**](#) to construct 24,300 square feet of retail/commercial (for a strip mall) on a 1.44 gross acre site in the CG General Commercial Zoning District, located at/on the East side of South Bascom Avenue approximately 250 feet north of Leon Drive (1000 S BASCOM AV) (Donati Bascom Bldg Llc, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 11/10/04.
- j. [**SP04-056. Special Use Permit**](#) request to allow the expansion of warehouse/distribution uses (FedEx) in an existing building, and approval to phase the site improvements required by a previously approved Conditional Use Permit (File No. CP02-032), on a 17.45 gross acre site, in the IP Industrial Park Zoning District, located on the southwest corner of East Trimble Road and Kruse Drive (696 E Trimble Rd, Suite 40) (F E Trimble Llc, Owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 11/10/04.

- k. **PD04-045. Planned Development Permit** to construct 35 affordable multi-family attached residences, and allow after midnight operation and off-sale of alcoholic beverages at the proposed 3,775 square foot retail commercial use (7-11 Market) on a 0.42 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast corner of North First Street and East Gish Road (1410 N 1ST ST) (Southland Corporation, Owner; 1st Community Housing, Developer). Council District 3. SNI: None. CEQA: Addendum to a Mitigated Negative Declaration. Deferred from 11/10/04.

This concludes the Planning Director's Hearing for November 10, 2004. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/index.htm>

PUBLIC INFORMATION COUNTER

(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
PLANNING DIRECTOR'S HEARING**

Synopsis of Staff Recommendations

OCTOBER 27, 2004

PUBLIC HEARINGS

1. DEFERRALS

- | | | |
|----|----------|----------------------|
| a. | H04-034 | Deferred to 11/10/04 |
| b. | SP04-056 | Deferred to 11/10/04 |
| c. | PD04-045 | Deferred to 11/10/04 |

2. CONSENT CALENDAR

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|-----|--------------|----------|
| a. | PD04-065 | Approved |
| b. | PDA92-038-01 | Approved |
| c. | TR04-096 | Approved |
| d. | TR04-095 | Approved |
| e. | HA70-224-01 | Approved |
| f. | PDA02-055-01 | Approved |
| g1. | PD04-038 | Approved |
| g2. | PT04-047 | Approved |

3. PUBLIC HEARINGS

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| a. | PD04-054 | Approved |
| b. | SP04-042 | Approved |
| c. | PDA99-030-01 | Approved |
| d. | PT04-075 | Approved |
| e. | TR04-084 | Continued to 11/10/04 |
| f. | PDA92-035-01 | Continued to 11/10/04 |
| g. | PD04-044 | Approved |
| h1. | PD03-038 | Approved |
| h2. | PT03-068 | Approved |